

REMARKS

Reconsideration and withdrawal of the objection and rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1 and 3-7 remain pending in the application, with Claim 1 being the sole independent claim. Claim 1 has been amended herein.

Initially, Applicant notes with appreciation the indication that Claims 5 and 7 recite allowable subject matter. However, since Claim 1 is believed to be patentable for the reasons discussed below, Claims 5 and 7 will not be rewritten in independent form at this time.

Claims 1 and 6 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,075,609 (Ito et al.). Claims 3 and 4 were rejected under 35 U.S.C. § 103 as being unpatentable over Ito et al. in view of European Patent Application No. 1 029 696 (Angulo). These rejections are respectfully traversed.

As recited in independent Claim 1, the present invention relates to a recording apparatus for effecting recording on a recording medium. The apparatus includes a carriage, a platen, a guide shaft, a belt, a guide rail, an encoder scale and an encoder sensor. The carriage carries a recording head and is scaningly movable in the apparatus. The platen supports a recording medium at a position opposed to the recording head. The guide shaft, disposed upstream of the recording head with respect to a feeding

direction of the recording medium, guides a scanning movement of the carriage. The belt, provided at a same side as the guide shaft with respect to the recording head, transmits a driving force to the carriage. The guide rail, provided at a side opposite from the guide shaft with respect to the recording head in the feeding direction, guides the scanning movement of the carriage. The encoder scale, having a record of information relating to positions of the carriage with respect to the scanning direction, determines information relating to a position of the carriage. The encoder sensor, provided on the carriage, detects the information relating to the position of the carriage with respect to the scanning direction, and is disposed at a side opposite from the guide shaft with respect to the recording head in the feeding direction.

With the above arrangement, in which the encoder sensor is disposed at a side opposite from the guide shaft with respect to the recording head in the feeding direction, the height of the carriage scanning portion and the height of the entirety of the recording device can be reduced, and recording accuracy can be improved.

Ito et al. relates to a recording apparatus including a carriage, which carries a recording head and is driven by a step motor. In the embodiment of Figure 4, a photointerrupter 12 is formed integrally with carriage 2. The photointerrupter 12, as well as encoder slit 11, are disposed between guide shafts 5a, 5b. In Ito et al., ink is ejected horizontally from the recording head 4 to the recording paper, which is fed vertically. The recording head is disposed above guide shafts 5a, 5b and photointerrupter 12. From the

perspective of vertical paper feeding and the uppermost position of the recording head, photointerrupter 12 in Figure 4 of Ito et al. cannot be said to be disposed at a side opposite from a guide shaft with respect to a recording head in a feeding direction, as is recited in independent Claim 1. Moreover, Ito et al. does not disclose or suggest a platen for supporting a recording medium at a position opposed to the recording head, as is also recited in independent Claim 1.

Thus, Ito et al. fails to disclose or suggest important features of the present invention recited in independent Claim 1.

The printer with the linear encoder strip of Angulo is not believed to remedy the deficiencies of Ito et al. noted above with respect to independent Claim 1.

Accordingly, independent Claim 1 is patentable over the citations of record. Reconsideration and withdrawal of the §§ 102 and 103 rejections are respectfully requested.

For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claim 1. Dependent Claims 3-7 are also allowable, in their own right, for defining features of the present invention in addition to those recited in independent Claim 1. Individual consideration of the dependent claims is requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant submits that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the objection and rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

/Mark A. Williamson/

Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

MAW/agm

DC_MAIN 248486v1